



Alameda-Contra Costa Transit District

David J. Armijo, General Manager

September 10, 2012

Members of the Board of Directors
AC Transit District
1600 Franklin Street
Oakland, CA 94612

Dear Board Members;

Re: District's Security Contract

At your meeting of July 11, 2012, a quorum of the Board considered and acted upon Staff Report No. 12-192, awarding the District's security contract to Securitas Security Services. The affirmative vote to award the contract to Securitas was three in favor and one opposed. Although present at the meeting, Director Wallace did not participate with respect to this issue due to a conflict. Two other Board members were absent, Jeff Davis and Greg Harper.

Upon further review, it is evident that the vote with respect to this issue did not comply with section 6.2 of **Board Policy No. 100 – Board of Directors Rules for Procedure**. The relevant language is set out below:

SECTION 6.2 ACTION OF THE BOARD. Even though the Board of Directors may sit as a committee of the whole for the purposes of Article 7, ultimately, all actions of the Board shall be through the adoption of motions, resolutions, or ordinances. To be considered adopted and valid, all actions of the Board must be affirmatively passed by four Directors.

The recommendation contained in Staff Report No. 12-192 was affirmatively passed by only three Directors. As a result the contract award to Securitas cannot be considered "adopted and valid" pursuant to current Board policy.

As no formal contract award has been approved by the Board there is no basis for an appeal related to the security contract at this time. Therefore there is no need to proceed with the hearing related to the appeal filed by Cypress Security, LLC, which was authorized by the Board on September 5, 2012.

We are advising both Securitas and Cypress of this development by copy of this letter. Further discussion on this item may be discussed at the next Board meeting.

Yours truly,

A handwritten signature in black ink, appearing to read 'D. Armijo', is written over the typed name and title.

David Armijo
General Manager

cc: Securitas Security Services
Cypress Security, LLC.